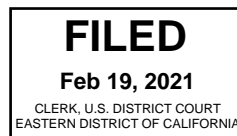


UNITED STATES DISTRICT COURT

for the
Eastern District of California



United States of America
v.

MICHAEL DAVID BRACE

Case No. 1:21-mj-00010-SAB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 18, 2020 in the county of Stanislaus in the
Eastern District of California, the defendant(s) violated:

Code Section

Title 18, United States Code,
Section 2252(a)(2)

Offense Description

Receipt of a visual depiction of a minor engaged in sexually explicit conduct

PENALTIES:

Mandatory minimum 5 years' imprisonment and maximum of 20 years;
Fine of up to \$250,000, or both fine and imprisonment;
Mandatory minimum 5 years' supervised release up to life
\$100 special assessment

This criminal complaint is based on these facts:

See affidavit of HSI SA Monique Jacques, attached hereto and incorporated herein by this reference.

☒ Continued on the attached sheet.

Complainant's signature

Monique Jacques, Special Agent, HSI

Printed name and title

Sworn to before me over the telephone and signed by me
pursuant to Fed.R.Crim.P. 4.1 and 4(d)

Date: **Feb 19, 2021**

City and state: **Fresno, CA**

Judge's signature

Hon. Stanley A. Boone, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AGAINST
MICHAEL DAVID BRACE

I, Monique Jacques, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Department of Homeland Security, Homeland Security Investigations (HSI), and I have been so employed since April 2019. I am currently assigned to the Office of the Assistant Special Agent in Charge, Fresno, California. Prior to my current field office, I was stationed at the Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Sub Office in Fresno, California beginning in June 2008, and I was an HSI Task Force Officer (TFO) from April 2017 until April 2019. Prior to that I was stationed at the Customs and Border Protection (CBP) seaport in Long Beach, California from January 2008 to June 2008. I have attended the Federal Law Enforcement Training Center (FLETC) and completed the Customs and Border Protection program, ICE ERO Training courses, Criminal Investigator Training Program (CITP), and HSI Special Agent Training program.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. As part of my daily duties as an HSI SA, I investigate criminal violations by persons relating to the unlawful production, possession, receipt, and distribution of child pornography, as well as other child exploitation crimes. I have received training in the area of sexual exploitation of minors/child exploitation and child pornography statutes. During the course of my duties, I have participated in multiple cases involving unlawful production, possession, receipt, and distribution of child pornography. I am currently a member of the Central Valley Internet Crimes Against Children (ICAC) task force, and I have participated in the service of dozens of state and federal search warrants relating to the internet, including the production, receipt, distribution, and possession of child pornography.

3. This affidavit is in support of a criminal complaint charging Michael David BRACE with a violation of Title 18, United States Code, Section 2252(a)(2), receipt of a visual depiction of a minor engaged in sexually explicit conduct. The information set forth in this affidavit is not intended to detail each and every fact or circumstance of the investigation or all information known to me and other law

1 enforcement investigators. Rather, this affidavit serves only to establish probable cause for the arrest of
2 BRACE.

3 4. The information contained in this affidavit is based upon my personal observations,
4 training and experience, and where noted, information related to me by other law enforcement officers
5 and/or agents.

6 **PROBABLE CAUSE**

7 5. Title 18, United States Code, Section 2252(a)(2) prohibits the knowing receipt of a visual
8 depiction of a minor engaged in sexually explicit conduct, which has moved in interstate or foreign
9 commerce by any means, including a computer.

10 6. On December 31, 2020, while working for Homeland Security Investigations as a Special
11 Agent, your affiant was conducting an undercover online investigation on a social media platform, on
12 which I presented myself as a "13 year-old female." On December 31, 2020, I responded to a message
13 received from "Michael" from Modesto, California and engaged in a conversation with him. During our
14 chats on this and another social media application, "Michael" sent selfies of himself. Based on a visual
15 comparison between these selfies and the driver's license photograph belonging to Michael David
16 BRACE, your affiant positively identified the two individuals as one and the same. During these chats
17 BRACE sent obscene photographs and videos to my undercover persona, whom he believed to be a 13
18 year-old female, and also attempted to convince my undercover persona to meet him to engage in sex
19 acts.

20 7. On January 4, 2021, BRACE was arrested by Fresno County Sheriff's Deputies based on
21 the chats with your affiant's undercover persona. Stanislaus County Sheriff's Deputies had previously
22 arrested BRACE in September 2020 after cybertips from the National Center for Missing and Exploited
23 Children (NCMEC) alerted them to BRACE's apparent online enticement activities. At the time, law
24 enforcement found five items of what your affiant has confirmed to be images of minors engaged in
25 sexually explicit conduct on BRACE's cell phone.

26 8. Subsequent to both the September 2020 and January 2021 arrests of Brace, NCMEC has
27 generated additional cyber tipline reports related to BRACE. In particular, on December 28, 2020, the
28 Stanislaus County Sheriff's Department received CyberTipline Report 82976707 regarding November

1 18, 2020 activity on an account on the same social media application on which BRACE first contacted
2 my undercover persona. The application provided IP address 73.235.30.138 as one of those used to
3 login by user “Michael” with a date of birth and profile picture of Michael David BRACE. The
4 application also confirmed that BRACE was using an iPhone to access his account. An administrative
5 subpoena to Comcast confirmed that the 73.235.30.138 IP address resolves to BRACE’s known address
6 in Modesto, California in the name of his aunt from whom BRACE rents the property. The conversation
7 thread reads **newest message to oldest message**, and the User IDs have been removed for the privacy of
8 the two participants.

9 2020-11-18 14:30:29 UTC: User sent image message: file not available

10 2020-11-18 14:29:04 UTC : More? [BRACE]

11 2020-11-18 14:27:58 UTC : Oh wow [BRACE]

12 2020-11-18 14:27:09 UTC: User sent image message: file not available

13 2020-11-18 14:27:08 UTC: How old is that one [BRACE]

14 2020-11-18 14:26:40 UTC: User sent image message: file not available

15 2020-11-18 14:26:39 UTC: ?? [BRACE]

16 2020-11-18 14:24:46 UTC: Got more [BRACE]

17 2020-11-18 14:24:04 UTC: Nice [BRACE]

18 2020-11-18 14:23:46 UTC: User sent image message: file not available

19 2020-11-18 14:23:41 UTC: Send them [BRACE]

20 2020-11-18 14:22:50 UTC: I?m into it [BRACE]

21 2020-11-18 14:22:27 UTC: If not into it then imma be on my wau

22 2020-11-18 14:22:11 UTC: Yup

23 2020-11-18 14:21:43 UTC: Huh [BRACE]

24 2020-11-18 14:21:33 UTC: From 2 +

25 2020-11-18 14:21:10 UTC: Can tell me I don?t care [BRACE]

26 2020-11-18 14:20:56 UTC: How old [BRACE]

27 2020-11-18 14:20:49 UTC: Wanna see young nudes

28 2020-11-18 14:20:31 UTC: Wanna see my ? [BRACE]

2020-11-18 14:19:10 UTC: ?? [BRACE]

2020-11-18 14:17:01 UTC: How old are you [BRACE]

2020-11-18 14:16:48 UTC: User sent image message: file not available

2020-11-18 14:15:55 UTC: ?? [BRACE]

2020-11-18 14:14:10 UTC: How old are you [BRACE]

2020-11-18 14:13:24 UTC: Can I get a pic of you [BRACE]

2020-11-18 14:13:00 UTC: Im alright ig lol my lil sister jus took a shower tho. N she layed down on the couch right by my an hasn't put any clothes on n it's kinda turning me on

2020-11-18 13:51:17 UTC: You [BRACE]

2020-11-18 13:51:15 UTC: How are you [BRACE]

2020-11-18 13:51:12 UTC: Hello [BRACE]

9. The images sent to BRACE in the above chat are described below. It appears that BRACE communicated with the other user for purposes of obtaining obscene matter depicting persons under the age of 18 engaging in or simulating sexual conduct.

10. One image shows an unknown prepubescent female nude from the waist down wearing a pink top while laying on what appears to be a bed. The female's vagina is exposed. Lying next to the unknown female facing the camera are two additional prepubescent females with their legs spread open, exposing their vaginas.

11. Another image shows an unknown prepubescent female lying down on what appears to be a couch draped with a purple colored fabric. The female is wearing a blue colored outfit with the bottom half of her body exposed. The female's legs are lifted up in a manner which shows the juvenile's vagina facing the camera.

12. Another image shows an unknown prepubescent female facing down on what appears to be a bed. The juvenile is unclothed from the waist down and appears to be wearing a light colored top. The juvenile has her buttocks raised into the air in a manner exposing her vagina and anus towards the camera.

13. One image shows an unknown prepubescent female wearing red/black stockings facing

1 downward on what appears to be a bed. The juvenile is unclothed from the waist down. The juvenile's
2 buttocks is raised upward in a manner to expose her vagina and anus.

3 14. When law enforcement arrested BRACE on January 4, 2021, they confiscated the iPhone
4 8+ on BRACE's person, which was password protected. He confirmed that this phone belonged to him,
5 and agents confirmed that this device contained the photographs sent by BRACE in his chats with your
6 affiant's thirteen-year-old undercover persona. Furthermore, as an iPhone, this device is consistent with
7 the logins to the social media application on which the November 18, 2020 chats occurred. Law
8 enforcement later found historical evidence of this social media application on that phone pursuant to a
9 search warrant. During an interview, BRACE admitted to using this and another social media
10 application to chat with a 13-year-old female, admitted that he had sent her obscene photographs and
11 videos of himself, and admitted to planning a meeting for sex but denied that he was planning to go
12 through with the meeting.

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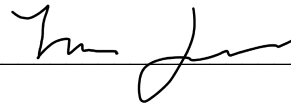
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CONCLUSION

15. The above facts set forth probable cause to believe that Michael David BRACE was in violation of Title 18, United States Code, Section 2252(a)(2), which prohibits the knowing receipt of visual depictions of a minor engaged in sexually explicit conduct, which has moved in interstate or foreign commerce by any means, including a computer. I therefore request that the Court issue an arrest warrant for Michael David BRACE for this violation.

I swear under penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information, and belief.



Monique Jacques
Special Agent, Homeland Security Investigations

Reviewed and approved as to form:

/s/ Laura D. Withers
Laura D. Withers
Assistant U.S. Attorney

Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d) before me this 19th day of February, 2021.



Honorable Stanley A. Boone
UNITED STATES MAGISTRATE JUDGE